

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BEYAGIE GUMANEH and BAMBA
MAMADOU,

Plaintiffs,

-v-

No. 22 CV 774-LTS

VILANO EMPLOYMENT SERVICES, INC.
and POSTAL FLEET SERVICES, INC,

Defendants.

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ORDER

This matter was commenced by the filing of a complaint on January 28, 2022. Defendants subsequently moved to compel arbitration, and that motion remains pending. Having received a status report from Plaintiffs that Defendants have failed to respond to discovery requests timely and that information had been conveyed to Plaintiffs by one of Defendants' attorneys that Defendants no longer intended to defend themselves, the Court entered an order on January 18, 2023, directing Defendants to "submit a letter" by January 20, 2023, stating any intention to "continue defending this action." The deadline has passed and Defendants have failed to submit any response. Therefore, it is hereby

ORDERED, that Plaintiffs may make a motion for a default judgment; and it is further

ORDERED, that Plaintiffs' motion must be accompanied by evidence, in admissible form, of such facts as it would have proffered to meet its burden of proof on its direct case had a trial been held in this action; and it is further

ORDERED, that such motion for default judgment must be served on Defendants and must be accompanied by copies of the Clerk's Certificate and of proof of service of the summons and complaint and the motion for default judgment as provided by the undersigned's Individual Practices Rules; and it is further

ORDERED, that said motion shall be filed by April 3, 2023, shall be briefed in accordance with the schedule set forth in Local Civil Rule 6.1 and will be taken on submission unless otherwise directed by the Court; and it is further

ORDERED, that Plaintiffs must serve a copy of this Order on Defendants and file proof of such service within fourteen (14) days from the date hereof.

Dated: New York, New York
January 23, 2023

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
Chief United States District Judge